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Document Electronically Filed

April 17, 2025

Hon. Barbara C. Moses
United States Magistrate Judge
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/18/25

Re: Nesler v. Acting Commissioner of Social Security
Docket No: 1:24-cv-08590-BCM

Hon. Judge Moses:

This letter respectfully requests an extension of time of seven (7) days for Plaintiff to file Plaintiff's Brief in this matter, to May 5, 2025. Plaintiff's Brief is currently due on April 28, 2025; however, Plaintiff cannot complete the Brief on time for the reasons detailed below.

Counsel requests this extension due to multiple, simultaneous filing deadlines. Counsel requires additional time to prepare Plaintiff's brief properly and thoroughly. For instance, between April 11, and May 2, 2025, staff in Counsel's office have thirty-eight (38) Plaintiff briefs due. This figure does not include briefings which will be due after the filing of Administrative Records throughout this timeframe, Oral Arguments, appeals to Circuit Courts, Reply Briefs, settlement negotiations, and the various other tasks which arise throughout the course of litigation. These circumstances do not allow for Plaintiff's Counsel to properly prepare the brief by the current deadline. This request will not cause Defendant any undue hardship. This extension is needed to prepare the brief thoroughly and properly.

Plaintiff's counsel has contacted Defense Counsel, who kindly consents to this request and has agreed to the below briefing schedule. This request will not cause Defendant any undue hardship. The parties have agreed on the briefing schedule below. This is Plaintiff's first request for an extension of time.

If Plaintiff's request is granted, the new briefing schedule would be:

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| <ul style="list-style-type: none"> - <u>Plaintiff's Brief is due on or before May 5, 2025;</u> - <u>Defendant's Brief is due on or before July 11, 2025; and</u> - <u>Plaintiff's Reply Brief, if any, is due on or before July 25, 2025.</u> |
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Thank you for your consideration.

Respectfully submitted,

/s/ Howard D. Olinsky

Howard D. Olinsky, Esq.
Counsel for Plaintiff

CC [via ECF]: Padma Ghatage, Esq., Attorney for Defendant

Application GRANTED. No further extensions of plaintiff's deadline to its opening brief will be granted. **SO ORDERED.** Dated: April 18, 2025

A handwritten signature in blue ink, appearing to read "Barbara Moses", is written over a horizontal line.

Barbara Moses
U.S. Magistrate Judge